

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

20-CR-474 (PAE)

-v-

ORDER

JOSE DELLON, a/k/a JOSE VELLON,

Defendant.

PAUL A. ENGELMAYER, District Judge:

On September 15, 2020, the Government proposed a protective order governing the discovery material it produces to the defense. Dkt. 7. On September 17, 2020, the defense objected to that order, arguing that the Government failed to establish good cause for a protective order. Dkt. 12. The Government then filed a letter specifying five categories of discovery as to which, it argued, there is good cause for a protective order. The Government submitted representative examples of materials in several of these categories. Dkt. 15.

The reasons that the Government has articulated are sufficient, in concept, to justify the proposed protective order. *See* Dkt. 15. And the order is not otherwise objectionable. It does not shift the burden of proof to the defense as to any item to which the Government seeks protection; and it does not appear to impede the defendant's practical ability to access and review discovery. The Court accordingly approves the proposed protective order and directs counsel to execute and file it.

The Court, however, has not made a determination whether the specific exemplars provided by the Government justify protection. The burden of showing good cause why any specific discovery item merits protection remains with the Government. See Fed. R. 16(d)(1).

The Court is confident that mature and responsible counsel can reach agreement as to the application of the “good cause” standard to particular items. The Court therefore asks the parties to confer as to any item of discovery to which the Government contends there is good cause for designation under the protective order. In the unlikely event that the parties cannot reach agreement, counsel are to submit a joint letter to the Court setting out their respective views, and to supply the Court with the item(s) in question.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: September 22, 2020  
New York, New York